

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

NOEMI RODRIGUEZ-RIOS,

Plaintiff,

v.

DEPARTMENT OF EDUCATION OF THE
COMMONWEALTH OF PUERTO RICO,
et al.,

Defendants.

Civil No. 10-1143 (ADC)

ORDER

Plaintiff Noemí Rodríguez-Ríos (“plaintiff”) filed suit against the Department of Education of the Commonwealth of Puerto Rico and Norma Cruz-Echevarría (collectively, “defendants”) alleging violations of Title VII of the Civil Rights Act and other Federal and Puerto Rican statutes. **ECF No. 1**

On August 5, 2011, defendants filed a motion for summary judgment which plaintiff timely opposed. **ECF Nos. 31, 46.** This court referred the pending motion for summary judgment to Magistrate-Judge Silvia Carreño-Coll (“Magistrate-Judge”) on November 3, 2011 for Report and Recommendation. **ECF No. 51.**

Pending before the court is the Magistrate-Judge’s unopposed Report and Recommendation (“R & R”), issued on November 21, 2011, which recommended granting defendants’ motion for summary judgment and dismissing plaintiff’s complaint. **ECF No. 51.** After reviewing the R & R, the court adopts the same, in full, and grants defendants’ motion for summary judgment.

I. Standard of Review

A district court may refer pending motions to a magistrate-judge for a report and recommendation. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); D.P.R. Civ. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten (10) days of being served with the report and recommendation. *See* 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of “those portions of

the report or specified proposed findings or recommendations to which specific objection is made." *Sylva v. Culebra Dive Shop*, 389 F. Supp. 2d 189, 191-92 (D.P.R. 2005) (citing *United States v. Raddatz*, 447 U.S. 667, 673 (1980)).

"Absent objection, ... [a] district court ha[s] a right to assume that [the affected party] agree[s] to the magistrate's recommendation." *López- Mulero v. Vélez-Colón*, 490 F. Supp. 2d 214, 217 -218 (D.P.R. 2007) (citing *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985)). Moreover, in conducting its review of an unopposed R & R, the court "needs only [to] satisfy itself by ascertaining that there is no ' plain error' on the face of the record." *López-Mulero*, 490 F. Supp. 2d at 218.

II. Conclusion

After careful consideration of the unopposed summary judgment, the R & R and the record, the court hereby **ADOPTS** the Magistrate-Judge's Report and Recommendation in full. **Docket No. 53**. Accordingly, defendants' motion for summary judgment (**ECF No. 31**) is **GRANTED**. Plaintiff's complaint is dismissed with prejudice.

Clerk of Court is to enter judgment accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 8th day of March, 2012.

S/AIDA M. DELGADO-COLÓN
Chief United States District Judge